

**PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Pulliam v. County of Fort Bend, Texas, et al.

Case No. 4:22-cv-4210

EXHIBIT 19

Detective Robert Hartfield

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF:

INSTITUTE FOR JUSTICE
816 Congress Avenue, Suite 960
Austin, Texas 78701
Mr. Jeffery Rows
512.480.5936
jrowes@ij.org
Ms. Christie Hebert
Ms. Molly Hanis

ON BEHALF OF DEFENDANTS:

FORT BEND COUNTY ATTORNEY'S OFFICE
401 Jackson Street, 3rd Floor
Richmond, Texas 77469
Mr. Kevin Hedges
281.341.4555
kevin.hedges@fbctx.gov

Detective Robert Hartfield

1	INDEX	
2	ORAL DEPOSITION OF	
3	DETECTIVE ROBERT HARTFIELD, AUGUST 8, 2023	
4		Page
5	APPEARANCES.....	2
6	BY MR. ROWES.....	5
7	BY MR. HEDGES.....	64
8	BY MR. ROWES.....	68
9		
10		
11	Start time - 1:04 p.m. End time - 2:35 p.m.	
12	Total pages: 79	
13		
14	WITNESS CORRECTIONS AND SIGNATURE.....	75
15	REPORTER CERTIFICATION.....	77
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Detective Robert Hartfield

1	EXHIBIT INDEX	
2	ORAL DEPOSITION OF	
3	DETECTIVE ROBERT HARTFIELD, AUGUST 8, 2023	
4	Description	Page
5		
6	Exhibit 1	Plaintiff's Second Amended ... 9
7		Notice of Deposition of
8		Officer Robert Hartfield
9		Federal Rule of Civil
10		Procedure 30
11	Exhibit 2	6/1/2017 Public Information .. 22
12		and Media Relations
13	Exhibit 3	6/1/2017 General Order 25
14		Social Media and Related
15		Communications
16	Exhibit 4	Video..... 33
17	Exhibit 5	Defendant, Officer Robert 34
18		Hartfield's Responses and
19		Objections to Plaintiff's
20		First Set of Requests for
21		Admission

• _____ •

Detective Robert Hartfield

1 DETECTIVE ROBERT HARTFIELD,
2 having been first duly sworn, testified as follows:

3 E X A M I N A T I O N

4 BY MR. ROWES:

5 Q. Good morning, sir. Would you please
6 state your name and rank with the Fort Bend County
7 Sheriff's Office?

8 A. Robert Hartfield, and I'm an auto theft
9 detective.

10 Q. My name is Jeff Rows, and I met you a
11 moment ago, and I'm an attorney for Plaintiff Justin
12 Pulliam.

13 And as you may know, his lawsuit
14 asserts First Amendment free speech rights and
15 search and seizure rights under the Fourth
16 Amendment.

17 Before we jump into the questions, I
18 just want to go through a couple of logistics.

19 I have no doubt as a law enforcement
20 officer you've probably testified under oath, and
21 you understand the seriousness of it; but I'm just
22 going to kind of walk through my usual explanation.

23 Have you -- have you been deposed
24 before?

25 A. Yes, sir, I have.

1 Q. Okay. So you were sworn in a moment ago
2 by the court reporter, and she's going to produce a
3 transcript of everything we say.

4 Do you understand that you have
5 given an oath to testify truthfully?

6 A. Yes.

7 Q. And do you understand that you should
8 treat your oath with the same seriousness that you
9 would treat testimony in front of a judge?

10 A. Yes.

11 Q. It's important for us to have a clear
12 record, and that means I need to ask clear
13 questions.

14 And I would ask you to give clear
15 answers, please. And that means verbal answers. So
16 please don't just, like, shake your head or say
17 "huh-uh," or "uh-huh" because it's hard for Denyce,
18 our court reporter --

19 A. I understand.

20 Q. -- to record.

21 Let's try not to interrupt each
22 other. And I know there's a lot of questions where
23 you'll kind of know where I'm going. And in a
24 normal conversation, you might jump in. But we just
25 need a clear record. So question, answer; question,

1 answer.

2 If you don't understand something,
3 just let me know. I don't want to ask an unclear
4 question. There aren't any tricks or traps or
5 minefields or anything like that. So just let me
6 know, and I'll try to rephrase it.

7 If you don't know the answer to a
8 question, that's fine; just say so.

9 But if you do know, you're required
10 to answer to the best of your knowledge.

11 A. Yes, sir.

12 Q. Mr. Hedges, who works for the County,
13 may state an objection after I ask a question.

14 It doesn't mean the question is bad,
15 but -- and it doesn't mean you -- usually, it
16 doesn't mean you don't have to answer it; but the
17 purpose of the objection is just to get it on the
18 record in case we want to discuss with the judge in
19 the future about whether your answer can be used.

20 The one exception to that is if
21 Mr. Hedges gives you a directive not to answer a
22 question, for example, for attorney-client
23 privilege; then you do not have to answer.

24 And I will -- my questions will
25 never be about asking you to tell me what you talked

1 about with Mr. Hedges. So I don't want you to
2 inadvertently say, "Oh, this is what Kevin told me
3 the other day."

4 A. I understand.

5 Q. Okay. If you need to take a break or
6 have a drink, that's fine; just let me know, and we
7 can do it.

8 If there's a question pending, we
9 usually like the witness to answer the pending
10 question before the break, but it's no problem.

11 Is there any reason why you're not
12 able to give your full and best testimony today?

13 A. No, there's not.

14 Q. We're going to look at some documents,
15 not many, actually, only three or four, and then
16 we're going to watch a few minutes of video.

17 You have the right to completely
18 read everything if you want. And in the video -- I
19 think our video's about 15 minutes long, but most of
20 it is just people standing around, but -- and so I'm
21 going to just want to ask about specific things.

22 But if you want to take some time
23 with Mr. Hedges and watch the entire video beginning
24 to end, that's fine. I'm not trying to just sort of
25 chop things up in a way that will make anybody look

Detective Robert Hartfield

1 bad.

2 A. I understand.

3 Q. Okay. Before we -- so I'd just like to
4 show you Exhibit 1, please.

5 (Exhibit 1 marked/introduced.)

6 Q. (BY MR. ROWES) My colleague will pass
7 it up to you and to Kevin.

8 A. Okay.

9 Q. Here you go.

10 So Detective Hartfield, Exhibit No.
11 1 is the deposition Notice for today. I'd like to
12 ask you if you've seen this document before.

13 A. I don't know. I don't know if I have or
14 not, sir.

15 Q. Okay.

16 A. I've seen a lot of documents. I just
17 don't know if that is one of them.

18 Q. Yeah, I sympathize. It may be that
19 lawyers are the only people who probably see more
20 documents than law enforcement officers having to do
21 their paperwork.

22 Did you do anything to prepare for
23 today's deposition?

24 A. I had spoken with Mr. Hedges
25 yesterday --

Detective Robert Hartfield

1 Q. Yeah, don't tell me anything what he
2 said.

3 A. Okay. That's about it.

4 Q. Okay. Did you speak to any of your
5 fellow law enforcement officers about it?

6 A. No.

7 Q. And did you review any documents to
8 refresh your recollection?

9 A. Just the answers to my -- the responses.

10 Q. Requests for admission?

11 A. Yes. Yes, sir.

12 Q. And we'll take a peek at those a little
13 bit later this afternoon.

14 And did you review any video
15 footage?

16 A. Yes, sir. The only video footage that I
17 did review was whatever Mr. Hedges had that was
18 supplied to him.

19 Q. Okay. And what was the video depicting?

20 A. Of the incident at the park.

21 Q. Okay. And did you bring any documents
22 with you to the deposition today?

23 A. No, sir.

24 Q. Okay. I'm going to just jump into a
25 little bit of background so that we can establish

Detective Robert Hartfield

1 what you do for the sheriff's office.

2 How long have you been with the
3 sheriff's office?

4 A. Come next month, it will be 19 years.

5 Q. And if I say "sheriff's office," by the
6 way, can we agree we mean -- I mean the Fort Bend --

7 A. Yes, sir.

8 Q. -- County Sheriff's Office?

9 Okay. And if I say "sheriff," I'm
10 going to be referring to Sheriff Eric Fagan.

11 A. Okay. I understand.

12 Q. Sure.

13 And did you work as a law
14 enforcement officer with other agencies before you
15 came to Fort Bend County?

16 A. No, sir, I have not.

17 Q. And you mentioned it before that you're
18 a detective; correct?

19 A. Correct.

20 Q. And you're a detective in the automobile
21 theft...

22 A. That's correct, sir.

23 Q. Okay. And what do you do? Just like
24 a -- you know, what's kind of your ten-second
25 pitch -- I will give you -- as a detective?

1 A. We investigate, basically, in the auto
2 theft crimes, when the cars get stolen, anything
3 dealing with cars, BMVs, theft of license plates,
4 theft of tires and rims, theft of catalytic
5 converters, and then heavy machinery.

6 Q. But it looks like, based on the fact
7 that you were at the Jones Creek Ranch State Park
8 that day, that sometimes you'll be asked to help out
9 with other stuff too; is that correct?

10 A. Correct.

11 Whenever we are on what we call an
12 on-call schedule, we can get called out to other
13 things besides what I'm currently assigned to.

14 Q. And so is -- so I guess as a detective,
15 which I only know from TV, frankly -- but as a
16 detective, you're the person who comes in after the
17 crime has occurred but nobody knows who it is.

18 You're not the -- you're not the
19 first person who responds to the 911 call; is that
20 correct?

21 A. That's correct.

22 Q. Okay. So most of your work is actually,
23 like, pretty deliberate piecing together clues and
24 that kind of thing?

25 A. Yes, sir. You're correct.

Detective Robert Hartfield

1 Q. Who are your superiors in the chain of
2 command up to Sheriff Fagan?

3 A. So my -- my sergeant is Sergeant Baudat,
4 then my captain would be Captain Whichard, then
5 Major Burger, and then it goes on up to the chief,
6 Wong, and then to Chief Provost, and then to the
7 sheriff.

8 Q. So is -- as a detective, is that the
9 same level as a deputy, or is it above a deputy but
10 below a sergeant? Or is that, like, a touchy
11 subject for you guys?

12 A. A long time ago, they used to consider
13 detectives like a corporal, which was right below a
14 sergeant.

15 So, yes, we are above a deputy just
16 because it's -- it's a tested position. So, yes, in
17 the eyes of, like, I guess, the sheriff's office is
18 concerned, yes, we are, like, just one step above a
19 deputy but below a sergeant.

20 Q. I want to ask you just for a moment
21 about the sheriff's role in the chain of command.

22 Under your chain of command, if the
23 sheriff orders you to do something, you have a
24 professional responsibility to execute that;
25 correct?

Detective Robert Hartfield

1 A. Correct.

2 Q. You mentioned before that there's a few
3 people above you, in between you and the sheriff.

4 Does the sheriff have the authority,
5 based on your understanding and experience, to
6 override an order that one of your immediate
7 supervisors gives?

8 A. Yes, that is correct.

9 Q. So I'm sure you remember that the
10 plaintiff's name is Justin Pulliam; correct?

11 A. Correct.

12 Q. And as you probably know, one of the
13 things Justin does is go out and film members of the
14 Fort Bend County Sheriff's Office while they're
15 executing their duties; correct?

16 A. Correct.

17 Q. And setting aside Justin, have you ever
18 encountered, in the course of your work, other
19 private citizens who film the police for the
20 purposes of posting it to social media sites like
21 YouTube?

22 A. No, I have not.

23 Q. So it's not the case, based on your
24 experience, that in Fort Bend County, there's this
25 known group of people who are always filming the

Detective Robert Hartfield

1 police?

2 A. No, I'm not aware of anything like that.

3 Q. So, I guess, then, besides Justin on the
4 day of the incident at Jones Creek Ranch Park, you
5 haven't interacted with someone who's been filming
6 the police; correct?

7 A. No, sir, I have not.

8 Q. Have you ever had a discussion with your
9 colleagues in this sheriff's office about people who
10 film the police to put their videos up on YouTube?

11 A. No, not really.

12 Q. Have you ever received written guidance
13 from your superiors or the sheriff about what rights
14 people have when they're engaged in filming the
15 police, as Justin was the day at the park?

16 A. I don't believe we've ever had any type
17 of written guidance of that nature.

18 Q. Do you ever get written guidance? And
19 it can be in whatever form comes to your mind, like
20 an email or a memo or something that feels formal,
21 like it's coming down from the top.

22 Do you ever get written guidance to
23 the effect of a court has just issued a new ruling
24 on something important, so, therefore, these are our
25 new practices?

Detective Robert Hartfield

1 A. We've -- honestly, I think we have
2 received, you know, things of that nature.

3 And usually, they would say, "Okay.
4 With this being said," we will then conform to
5 writing a policy of that nature to fit this in; but
6 yes.

7 Q. Okay. So as a law enforcement officer
8 who's worked for 19 years, from time to time, your
9 policies get updated based on what courts have done?

10 A. Correct, sir.

11 Q. Okay. So I should just clarify to make
12 sure that we're both on the same page.

13 So when I talk about Jones Creek
14 Ranch State Park, I'm talking about July 12, 2021,
15 in which Sheriff Eric Fagan held a press conference,
16 and Justin Pulliam was there.

17 Do you recall that?

18 A. Yes, sir.

19 MR. HEDGES: Is it a state park?

20 Q. (BY MR. ROWES) Or is that a county
21 park?

22 A. County.

23 Q. Or I'm sorry.

24 I'm just going to call it "Jones
25 Creek Park" because the name is too big, and Denyce

Detective Robert Hartfield

1 will run out of energy writing that down every time.

2 So prior to the incident at Jones
3 Creek Park in this case, did you know who Plaintiff
4 Justin Pulliam was?

5 A. Yes, I knew who he was.

6 Q. And what did you know about him at that
7 time?

8 A. I -- I was aware he was an individual
9 that would, you know, go around not only in Fort
10 Bend County but around Texas and, you know, film law
11 enforcement.

12 Q. And did -- what was your kind of --
13 what's your perception of Justin's reputation among
14 your fellow law enforcement officers?

15 A. I don't think too many people like him,
16 unfortunately.

17 Q. I -- I can understand that. I
18 understand.

19 Yeah, I mean, I've watched his
20 videos, and I know he says things that are often
21 very sharp criticism of law enforcement.

22 And do you recall how you personally
23 became aware of Justin? Was it watching a video of
24 his or someone talked to you, for example?

25 A. Yes. I believe it first started

1 whenever, I believe, Sheriff Nehls was in office,
2 when he was filming some of the other admin at the
3 sheriff's office and then became the talk of the
4 sheriff's office or whatever, and -- so I think
5 that's the point in time whenever that came to light
6 of who he was.

7 Q. And what was the name again of the
8 previous sheriff?

9 A. Sheriff Nehls.

10 Q. Is that spelled N-A-I-L-S?

11 A. N-E-H-L-S.

12 Q. Oh, okay. Just so we make sure we get
13 it down correctly.

14 So Justin has a YouTube channel
15 called "Corruption Report."

16 Have you ever watched the YouTube
17 "Corruption Report"?

18 A. No. I've not seen that one.

19 Q. And I think because you testified a
20 moment ago, I might know the answer to this, but
21 I'll ask it anyway.

22 Prior to encountering Justin in
23 Jones Creek Park on July 12, 2021, had you ever seen
24 him at a different police incident before?

25 A. No, I have not.

Detective Robert Hartfield

1 Q. Just thinking back to what you
2 understood based on Justin's reputation, your
3 conversations with fellow officers, did Justin have
4 a reputation for acting violently towards law
5 enforcement?

6 A. No.

7 Q. Was Justin's reputation at all that he
8 would yell to people that the police were trying to
9 interview and try to tell them not to answer or
10 cooperate with the police or anything like that?

11 A. I believe some of the videos I have
12 seen, I have seen him act of that nature, yes.

13 Q. And what are the -- could you tell me a
14 little bit more about what the context was for the
15 videos you saw?

16 A. I -- I do not know. I don't remember.

17 Q. So, like, maybe you were just watching
18 it on your phone or someone might have sent you a
19 link or something like that?

20 A. Correct.

21 Q. Was Justin's reputation among law
22 enforcement officers based on his attitude towards
23 the police?

24 A. Correct.

25 Q. And just to have a clear record, the

Detective Robert Hartfield

1 perception of Justin's attitude towards the police
2 is generally negative; correct?

3 A. Correct.

4 Q. Yeah.

5 I want to show a document in a
6 moment, which is a general order on media. You've
7 probably seen it before, but we'll chat about it.

8 But I wanted to ask you, if you can
9 -- do you know, generally speaking, what a general
10 order is?

11 A. Yes.

12 Q. And can you just give me your -- based
13 on your experience, what is a general order?

14 A. Basically, it's a rule that -- that the
15 administration implemented at the sheriff's office
16 that we, as employees, will follow.

17 Q. I see.

18 And how are the general orders
19 distributed when they're handed down?

20 A. If there's -- if there's, say, like, a
21 new one that just came out because of what we were
22 discussing earlier, you know, something changed, we
23 would receive an email with that updated general
24 order, and then they would advise us that it would
25 be placed into the general order manual.

Detective Robert Hartfield

1 Q. Okay. And when you mentioned a moment
2 ago the things we were discussing before, did you
3 mean when we were talking about courts making new
4 decisions, or did you mean Justin Pulliam?

5 A. When the courts are making new
6 decisions.

7 Q. And a general order -- would you agree
8 that a general order represents a policy that the
9 members of the sheriff's department have to follow?

10 A. Correct.

11 Q. And do you have a duty as a law
12 enforcement officer to learn the general orders?

13 A. Yes.

14 Q. So it wouldn't be an excuse if a law
15 enforcement officer made a mistake; it would be a --
16 not a good excuse to say, "Oh, I never read the
17 general order"?

18 A. Correct.

19 Q. Do members of the sheriff's office build
20 in time once a month or once a week or on some other
21 interval to sort of like study updated policies or
22 anything like that?

23 A. No, sir.

24 Q. It's more like -- is it more like on a
25 rolling basis? A general order comes in; you read

Detective Robert Hartfield

1 it; you say, "Okay, now I understand it," and then
2 carry on?

3 A. Correct.

4 (Exhibit 2 marked/introduced.)

5 Q. (BY MR. ROWES) Okay. I would like to
6 introduce Exhibit No. 2, which is a general order
7 entitled "Public Information and Media Relations."

8 Okay. Detective Hartfield, do you
9 recognize Exhibit No. 2 to be a general order of the
10 Sheriff's Department?

11 A. Yes, sir.

12 Q. Okay. I'm going to -- the title of this
13 is "Public Information and Media Relations," but I'm
14 just going to refer to it as "media relations
15 order"; is that okay?

16 A. Yes, sir.

17 Q. I'd like to direct your attention to the
18 very top line where it says: "Effective 06-01-17."

19 So I'm going to represent to you
20 that this was the version of the media relations
21 order that was in effect on July 12, 2021.

22 We've worked with Mr. Hedges to pin
23 down which is the right document for that date, and
24 this is the one we figured out.

25 Have you seen this general order

Detective Robert Hartfield

1 specifically about media relations before?

2 A. Yes.

3 Q. And based on your general understanding
4 of the media relations order, let's say you're
5 investigating a car theft, and a member of the press
6 comes up to you and says, "Detective Hartfield, can
7 I get a statement for the media on your
8 investigation?"

9 What do you say?

10 A. "No." And --

11 Q. And -- sorry. Go ahead.

12 A. I would refer them to our public
13 information officer.

14 Q. I see.

15 So the kind of -- the information
16 that goes to the press is supposed to go through the
17 public relations officer rather than from just
18 individual law enforcement on the street?

19 A. Correct.

20 Q. Have you ever -- would the public
21 information officer ever direct you to go ahead and
22 give a statement, or would it always come directly
23 from the public relations office?

24 A. If the PI was not available, a
25 supervisor would be the one that would be asked to

1 do a press conference or speak on whatever matter's
2 going on.

3 Q. Okay. And when you say "supervisor," do
4 you mean a sergeant or a captain level or something
5 like that?

6 A. Sergeant to a lieutenant to a captain to
7 a major.

8 Q. Okay. So has it ever been the case that
9 you've been quoted in the newspaper, for example,
10 about an investigation?

11 A. No.

12 Q. If you could take a look at the first
13 page, about a third of the way down, there's a
14 definition of the word "media."

15 I'm just going to read it out loud,
16 and if you could follow along with me...

17 "Media - Persons associated with
18 television, print, electronic, or radio news
19 programs/services and related entertainment
20 enterprises. For purposes of this General Order,
21 this term does not generally include social media
22 (this is defined and governed under General Order
23 05-04)."

24 Were you able to follow along with
25 me, Detective?

Detective Robert Hartfield

1 A. Yes, sir.

2 Q. Do you agree with me that this
3 definition makes a distinction between media like
4 television and social media?

5 A. Correct.

6 Q. And social media is excluded from the
7 definition of media from this; is that correct?
8 Based on your understanding?

9 A. Yes, sir.

10 Q. And on the -- were you -- so you were
11 generally familiar with this order on the -- July
12 12, 2021, when the press conference happened in the
13 park; correct?

14 A. Correct.

15 MR. ROWES: And I would like to
16 introduce Exhibit No. 3, please.

17 (Exhibit 3 marked/introduced.)

18 Q. (BY MR. ROWES) And you can keep No. 2
19 handy because we're just going to do a quick
20 comparison.

21 So Exhibit No. 3 is titled "Social
22 Media and Related Communications."

23 Do you see that at the top, sir?

24 A. Yes, sir.

25 Q. Okay. And likewise, you see the

Detective Robert Hartfield

1 effective date is 06-01-17?

2 A. Correct.

3 Q. If you take a -- if you take a quick
4 peek back at Exhibit No. 2 that had the definition
5 of "media," it refers to the definition of social
6 media as being in General Order 05-04; correct?

7 A. Correct.

8 Q. And do you see at the top of
9 Exhibit No. 3, this is order number 05-04?

10 A. Correct. Yes, sir.

11 Q. And so, then, about a third of the way
12 down, pretty similar to the previous one, it
13 says: "Definitions" of "Social Media."

14 And it says: "Online sources that
15 allow people to communicate and share information
16 such as photographs, text, video, multimedia files,
17 and related items via online or cellular network
18 platforms. In this General Order, this also
19 includes social networking platforms including but
20 not limited to facebook, twitter, and youtube,
21 blogs... [as read]."

22 Did you understand that?

23 A. Yes, sir.

24 Q. I think for the purposes of the
25 deposition, to make it clear, for media, I'm going

1 to say "traditional media." Is that okay? Because
2 that's like newspapers, TV, radio, or something?

3 A. Sure. Yes, sir.

4 Q. Is that okay? You'll understand what I
5 mean.

6 And I'll say "social media" for
7 people who put stuff up on Facebook or YouTube or
8 that kind of thing.

9 A. Yes, sir.

10 Q. Okay. So based on your experience as
11 someone who has to read and understand orders, would
12 someone like Justin Pulliam, who films for his
13 YouTube channel, fall under the definition of
14 traditional media or social media?

15 A. Social media.

16 Q. So, before the press conference that
17 Sheriff Fagan held at the park on July 12, 2021, had
18 you ever been present at a press conference before?

19 A. Yes.

20 Q. And was it just once?

21 A. Yes. I believe so -- no -- yes. Just
22 once.

23 Q. Okay. I mean, I realize I'm
24 asking over --

25 A. Yeah.

Detective Robert Hartfield

1 Q. If you ask me what I've done in the last
2 19 years, I wouldn't be able to remember everything
3 either. So that's perfectly fine.

4 Do you recall what the subject of
5 the press conference was that --

6 A. Uh -- I'm sorry.

7 Yeah. Yes. It was -- we -- I had
8 investigated an auto theft ring where we recovered
9 several luxury vehicles that were -- had been
10 stolen, and the VIN numbers had been changed on
11 them. It was around ten of them.

12 So the sheriff did have a press
13 conference where we kind of put that out as a news
14 story.

15 Q. Okay. That's great. I appreciate that,
16 by the way. It makes life better when the police
17 can stop stuff like that.

18 So -- but it sounds like attending
19 press conferences is not your daily bread and
20 butter; is that correct?

21 A. That is correct.

22 Q. Do you know -- and you may not know
23 this, based on the fact -- that is perfectly fine if
24 you know -- but do you know if sheriff's department
25 law enforcement personnel ask media for credentials

Detective Robert Hartfield

1 at the press conferences typically?

2 A. No, I don't know that.

3 Q. Okay. And are you aware of any press
4 conferences the sheriff's office has held in the
5 past in which a social media journalist like Justin
6 Pulliam did not -- was present but did not
7 participate?

8 A. No, I'm not aware of anything of that
9 nature.

10 Q. Are you aware of any press conferences
11 that have happened with sheriff's office personnel
12 in which someone who wanted to cover the press
13 conference as a journalist, whether traditional
14 media or social media, was excluded from it?

15 A. I'm not aware of anything of that
16 nature.

17 Q. So I'm going to jump into the actual
18 press conference that occurred in Jones Creek Park
19 on July 12th. And this is one of the two main
20 incidents in this case. And the thing about which I
21 think you have personal knowledge.

22 If you recall -- you probably recall
23 a vehicle was found in the creek with the remains of
24 an unfortunate woman; correct?

25 A. Yes.

Detective Robert Hartfield

1 Q. Okay. And had you -- did I remember
2 reading that you had participated in the search for
3 her in the days leading up to the discovery of her
4 vehicle?

5 A. Correct. Yes, sir.

6 Q. And was that one of those situations
7 where you were on-call, and so they mobilized you to
8 help out with this urgent missing person thing, and
9 you kind of set aside your duties as a detective for
10 that day?

11 A. Yes, sir.

12 Q. How frequently does that happen, by the
13 way, in which you're called away from your main
14 detective responsibilities?

15 A. I'm on-call once every eight weeks --
16 eight to nine weeks; so it could happen during that
17 time frame.

18 Q. And is -- is -- on-call, does that mean
19 there's a 24-hour period where you carry your radio,
20 and you just have to be ready to go? Or what does
21 it mean?

22 A. We -- I start on-call on a Friday
23 evening, and my on-call stops the following
24 Thursday -- or Friday morning, I'm sorry.

25 And basically, we have to carry our

Detective Robert Hartfield

1 cell phones around with us, and we're subject to
2 callout.

3 Q. Yeah, my brother-in-law's a firefighter,
4 and so when he's on-call, it's very similar to that.
5 Okay. Got it.

6 Now, you were present at the park --
7 are you okay? Do you want to take a break?

8 (Comments off the stenographic
9 record.)

10 Q. (BY MR. ROWES) So you were present at
11 Jones Creek Park when the car was discovered; is
12 that correct? Or did you come after?

13 A. I was there when it was discovered --
14 well, just after it was discovered, I should say.

15 Q. And how was the car discovered there?
16 Is it that the water had subsided or something like
17 that?

18 A. That is correct.

19 Q. Okay. And I think it will become
20 obvious in a moment when we look at the video, but
21 I'll just ask you to be clear.

22 You were at the press conference
23 that Sheriff Fagan held that day for the traditional
24 media on the discovery of this person's remains in
25 the car; correct?

Detective Robert Hartfield

1 A. Yes, sir, that is correct.

2 Q. And prior to the press conference that
3 day, had you seen members of the media, such as TV
4 reporters, with cameras in other parts of the park?

5 A. Yes, sir.

6 Q. And do you recall if they were actively
7 filming? Were they talking to officers?

8 A. I -- I knew their cameras were out, but
9 as far as them -- I didn't see them speaking with
10 anyone, but, you know, them filming, probably they
11 were.

12 Q. I'm going to -- I want to back up.

13 You remember we talked before about
14 if a media member asks you for a statement, you
15 refer them to the public information office?

16 What if -- what if someone's not
17 asking you for a statement to put in, but, you know,
18 you're at the park, and someone comes up and says,
19 "Is that the missing woman?"

20 And you know it's the missing woman.
21 Let's say you know. Are you allowed to answer that,
22 or do you direct them to the public information
23 office?

24 A. I wouldn't give them that information,
25 no.

1 I would -- you know, if I suspected
2 they were media, I would just say, "You need to
3 speak with our public information officer."

4 (Exhibit 4 marked/introduced.)

5 Q. (BY MR. ROWES) Okay. Okay. I would
6 like to look at Exhibit 4, which is the video of the
7 press conference that I'll represent to you is
8 something that my client, Justin Pulliam, took.

9 And he actually had four cameras
10 going. And so you see Exhibit 4 is a four-pane
11 view. One is a dashcam, one is a body cam, one
12 might be a cell phone, and the other one is a
13 higher-resolution camera.

14 And sometimes I might say to pay
15 attention to the bottom left panel, which will just
16 be the clearest.

17 A. Okay.

18 Q. The video is -- you can see, if you look
19 all the way to the right-hand side of the screen,
20 it's 16 minutes long.

21 If at any point you want to sit
22 down, as I said before, and watch the entire 16
23 minutes, that's fine, no objections at all, and --
24 but otherwise, to make things go a little bit
25 faster, I'm just going to go ahead and jump forward

Detective Robert Hartfield

1 a little bit.

2 And, actually, before we look at the
3 video, I'd like to introduce the last exhibit, which
4 is Exhibit 5.

5 (Exhibit 5 marked/introduced.)

6 Q. (BY MR. ROWES) And these are your
7 answers to those requests for admission.

8 Can you just take a look at that,
9 please?

10 A. Yes, sir.

11 Q. I'm going to represent to you that these
12 are -- these are a true and correct copy of what we
13 received from Mr. Hedges.

14 Have you seen this exhibit before
15 with these questions?

16 A. Yes.

17 Q. And did you assist Mr. Hedges with its
18 preparation, without telling me anything you guys
19 discussed?

20 A. Yes, sir.

21 Q. Besides talking to Mr. Hedges, did you
22 do anything to prepare your answers, like consult
23 documents or watch videos or talk to your fellow
24 officers?

25 A. No, sir.

1 Q. All right. So Molly has pulled up the
2 video to 6 minutes and 19 seconds, and you can see
3 in the bottom right Justin -- that's the plaintiff,
4 Justin Pulliam, standing there with one of his
5 cameras.

6 He's got a body camera around his
7 neck, and he's being captured in that lower right
8 frame from his dashcam.

9 Do you recognize this scene shown at
10 time stamp 6:19 as the Jones Creek Ranch Park on
11 July 12th?

12 A. Yes, sir.

13 MR. ROWES: Molly, would you please
14 play the video to 6:45?

15 (Video playing.)

16 Q. (BY MR. ROWES) Okay. Did you see the
17 golf cart pull up just before Justin says that the
18 sheriff has arrived?

19 A. Yes, sir.

20 Q. Okay. I think that's actually maybe a
21 Kawasaki MULE or something, like -- it's not a golf
22 cart, is it?

23 A. It's a Polaris RANGER.

24 Q. Oh, okay.

25 So I'm going to call it a golf cart

1 because that's easy.

2 So Sheriff Fagan was in the golf
3 cart; correct?

4 A. Yes, sir.

5 Q. And were you in the golf cart with him?

6 A. Yes, sir.

7 Q. And how did you two come to be in the
8 golf cart together at that point?

9 A. The sheriff had asked me if I would
10 drive him up to the front where he was going to hold
11 the press conference.

12 Q. I see.

13 And how did you get assigned to be
14 the person who was in charge of the golf cart that
15 day?

16 A. I don't know. Honestly, I don't know.

17 Q. Okay. And is it -- because this was a
18 big, potential crime scene, is that why there was
19 a -- someone brought the golf cart to the scene so
20 people could get around if they had to?

21 A. I actually borrowed it from the park
22 staff.

23 Q. Oh. I see. Okay.

24 So that's not a -- that's not a
25 sheriff's department golf cart?

Detective Robert Hartfield

1 A. That's correct.

2 Q. Okay. And if -- if I recall the
3 geography correctly, the actual part of the creek
4 where the car was found is at least a mile or so
5 away from where the press conference is; is that
6 right?

7 A. Give or take, yes, sir.

8 Q. Okay. In other words, it's not that the
9 car is 100 feet away from where the press conference
10 is or something close like that?

11 A. Yes. You're correct, sir.

12 Q. And so, was the sheriff's purpose in
13 coming to the press conference to inform the media
14 about the missing person who had been discovered in
15 the creek?

16 A. That is correct, sir.

17 Q. If you take a look at Exhibit 5, on
18 page 3, in the Request for Admission No. 3, it says
19 that you admit that two news crews were present in
20 the parking lot; is that correct?

21 A. Yes, sir.

22 Q. And do you know if there were other
23 members of the press present besides the two news
24 crews?

25 A. I'm -- I'm not sure.

Detective Robert Hartfield

1 Q. Okay. Besides the news crews that were
2 present at the sheriff's press conference, were
3 there other members of the public just observing?
4 Do you recall?

5 A. I don't recall.

6 Q. Do you know if the family of the, like,
7 relatives of the missing person who was discovered
8 deceased were there at the press conference?

9 A. I don't recall.

10 Q. And how did the members of the press
11 know, if you know, that the press conference was
12 going to be held in that location?

13 A. I do not know.

14 Q. Okay. So, like, basically, were you
15 just kind of standing around, and the sheriff said,
16 "Detective Hartfield, can you give me a hand and
17 drive me over here?"

18 A. You nailed it. Yes, sir.

19 Q. Okay.

20 MR. HEDGES: So there's not going to
21 be commissioner's court tomorrow or the
22 rest of the week.

23 MR. ROWES: Okay. Thank you. It's
24 okay.

25 Q. (BY MR. ROWES) By the way, because we

1 have the commissioner's court thing going on, if you
2 need us to crank the volume, if at any point the
3 sound matters, we'll go back and do it as many times
4 as necessary, or we can get headphones or something
5 like that.

6 A. Okay. I understand.

7 MR. ROWES: So, Molly, can you
8 please just run the video to seven
9 minutes?

10 (Video playing.)

11 Q. (BY MR. ROWES) If we can just pause
12 here.

13 As you can tell, Justin has walked
14 up a little bit closer to where the press conference
15 is happening.

16 And if you look in the bottom left
17 panel, is that you standing there with the sheriff?

18 A. Yes, sir, it is.

19 Q. Okay. And when Justin was walking up,
20 did the sheriff say anything to you about him
21 coming?

22 A. I don't recall if it was at that point
23 in time or not.

24 Q. Okay. So if we look at Exhibit 5,
25 Request for Admission No. 4, it says that in the

1 video footage you reviewed, that Sheriff Fagan
2 instructed you that "'if he don't do it, arrest him
3 'cause he's not part of the local media, so he have
4 to go back'" -- with "he" and "him" referring to
5 Justin Pulliam.

6 And you admitted the sheriff said
7 that; correct?

8 A. Correct.

9 Q. Okay. This is kind of the part where he
10 says it, but it might be hard to hear; but anyway,
11 we can agree that for the purposes of the video, the
12 sheriff said something to that effect?

13 A. Correct, sir.

14 MR. HEDGES: Not at this part of the
15 video.

16 MR. ROWES: Oh.

17 MR. HEDGES: That's at 1550.

18 MR. ROWES: Oh. You know, this is a
19 different video. The time stamp is
20 different on this video.

21 MR. HEDGES: Oh, okay.

22 MR. ROWES: Actually, before you
23 play it, Molly, can you turn the volume up
24 some more, please?

25 Just turn it up as loud as it goes,

Detective Robert Hartfield

1 basically. Okay. Let's try, and we might
2 be able to catch it.

3 (Video playing.)

4 Q. (BY MR. ROWES) Okay. So this is the
5 interaction where the sheriff says he's not part of
6 the media, so he has to go back; correct?

7 A. Correct.

8 Q. Okay. And what did the sheriff say to
9 you at this point about Justin?

10 A. If I would be able to remove him from
11 that location.

12 Q. Okay. And the -- when you say "that
13 location," do you mean the immediate vicinity where
14 he's about to hold the press conference?

15 A. Correct.

16 Q. And did he give you a reason why you had
17 to remove Justin?

18 A. I don't recall.

19 Q. Is this the kind of situation where you
20 would say to the sheriff, "Why should I do that?" or
21 do you just follow his order in that context?

22 A. I would just follow his order.

23 Q. Okay. And I -- it looks like you're --
24 rather than looking at Justin, you're facing up the
25 street in the opposite direction; correct?

1 A. Yes, sir.

2 Q. Okay. And what are you sort of planning
3 on doing at this point when you're facing away from
4 Justin?

5 A. I was going to have the other deputy
6 there come with me.

7 MR. ROWES: Okay. Why don't we
8 actually watch, Molly, until 7:28?

9 Q. (BY MR. ROWES) And then we can see you
10 gesture to the deputy.

11 (Video playing.)

12 Q. (BY MR. ROWES) And is the deputy you're
13 talking to Deputy Garcia?

14 A. Yes.

15 Q. And had you met Deputy Garcia before
16 today?

17 A. Before that date, I probably have ran
18 across him on a -- on different -- new incidents or
19 whatever, but yeah.

20 Q. Okay. So you knew him but more as an
21 acquaintance or colleague?

22 A. Correct. Yes, sir.

23 Q. Got it.

24 And so what are you telling Deputy
25 Garcia about your assignment?

Detective Robert Hartfield

1 A. I asked him that -- or I told him that
2 the sheriff had asked to have Justin step back away
3 from the press conference and asked him if he would
4 come and assist me.

5 Q. And why did you want assistance for
6 that?

7 A. Just due to the fact that I don't have a
8 camera. We're not with body cameras, so I knew he
9 had one, so I asked, you know, just to CYA for
10 myself to come walk with me so nothing would be
11 taken out of context.

12 Q. Okay. And is that because you were
13 concerned about Justin's behavior that you would
14 want to have it on camera?

15 A. It wasn't more so -- it wasn't just
16 because of his behavior. It was just the task that
17 I was tasked with.

18 Q. Okay. Have there been other situations
19 where you've wanted to have someone with a body
20 camera present when you're doing something in the
21 course of your detective work?

22 A. Honestly, no.

23 Q. Okay. And did you confirm with Deputy
24 Garcia that he had a body cam on?

25 A. No, I did not, but I believe he did have

1 one.

2 Q. Okay. And did you ever review any video
3 from Deputy Garcia's body cam, if it exists?

4 A. No, sir.

5 Q. When you mentioned to Deputy Garcia that
6 you would like his assistance to remove Justin from
7 the press conference, did you give a reason why?

8 A. No, sir.

9 Q. So it was -- the sufficient reason, from
10 your point of view, was, "The sheriff asked me to"?

11 A. Correct, sir.

12 Q. And just as a matter of just pulling
13 back a little bit since I don't quite understand how
14 law enforcement works on the inside.

15 Would it be common, or is it okay to
16 say to the superior officer, "Why do I have to do
17 that?"

18 And not to be a jerk. Not saying
19 you'd say it to be a jerk, but "I don't understand
20 this order," or "What's the purpose of this order?"

21 A. It could be very frowned -- it could be
22 frowned upon.

23 Q. Okay. So, probably, the Fort Bend
24 County Sheriff's Department, obviously, is not the
25 military, but it's probably closer to the military

Detective Robert Hartfield

1 than something else in which people are expected to
2 execute their orders without too much questioning of
3 their supervisors?

4 A. Correct.

5 Q. When the sheriff said that "Justin is
6 not media," what did you understand the sheriff to
7 be saying, if you -- if you can say?

8 A. That he's not media.

9 Q. And does "not media" mean, according to
10 the definitions we looked at before, about the
11 distinction between traditional media and social
12 media?

13 A. Correct.

14 Q. Okay. How are you doing, Detective
15 Hartfield?

16 A. I'm good.

17 Q. We don't have much more.

18 MR. ROWES: Are you doing okay,
19 Denyce?

20 THE REPORTER: Yeah.

21 MR. ROWES: Okay.

22 MR. HEDGES: If you want to take a
23 break, I won't oppose it.

24 MR. ROWES: I mean, I'm okay. I
25 just want to make sure the witness and

Detective Robert Hartfield

1 everybody else is okay.

2 So can we watch, Molly, until 7:44?

3 And this is -- actually, hang on a sec.

4 If you could just take a look at

5 Exhibit No. 5, page 4, Request for

6 Admission No. 5.

7 And it says that you instructed

8 Plaintiff Justin Pulliam to "'step back

9 this way with us please' because he is

10 'not media.'"

11 And you admitted that you said those

12 things to Justin?

13 A. Correct.

14 Q. I just want to -- I just want to
15 clarify, again, in case we can't hear it very well.

16 MR. ROWES: So could you play,

17 Molly, until 7:44, please?

18 (Video playing.)

19 Q. (BY MR. ROWES) Okay. So could you hear
20 yourself saying the things that are in Request for
21 Admission No. 5?

22 A. Yes, sir.

23 Q. When you said to Justin he is not media,
24 did you understand yourself to be making the
25 distinction we discussed earlier between traditional

Detective Robert Hartfield

1 media and social media in the general orders?

2 A. I wasn't trying to specify general order
3 at that point in time.

4 Q. So you were just saying, "You're not
5 media" because the sheriff told you he's not media?

6 A. Correct.

7 Q. Okay. If you look at Response No. 6 on
8 Exhibit 5. And just read it and let me know when
9 you're finished, please.

10 A. Yes, I'm done.

11 Q. And so you admitted that you did not
12 give Plaintiff Pulliam a reason other than he's not
13 media to escort him away from the press conference;
14 correct?

15 A. Correct.

16 Q. And at that point, when you were
17 escorting him away, you were acting on the sheriff's
18 order; correct?

19 A. Correct.

20 Q. And as you approached Plaintiff Pulliam,
21 do you recall what he was doing, like what his
22 demeanor was, or...

23 A. I do not remember, sir.

24 Q. As part of your law enforcement
25 training, do you evaluate people as you approach

Detective Robert Hartfield

1 them to determine whether or not they might be a
2 threat to either run away or to hurt you or to hurt
3 someone else?

4 A. Correct, sir.

5 Q. Okay. And if you're approaching
6 someone, say, in the course of your detective
7 duties, you're investigating an auto theft ring,
8 sometimes those people can be violent; correct?

9 A. Correct, sir.

10 Q. Okay. And are you concerned when you
11 might be interacting with someone who you suspect is
12 involved in organized auto theft, that they could be
13 armed?

14 A. Yes, sir.

15 Q. And do you take precautions when your
16 police spider-sense, so to speak, tells you that
17 somebody might be dangerous?

18 A. Yes, sir.

19 Q. Okay. So when you were approaching
20 Justin Pulliam that day in the park, did you
21 perceive him as a physical danger, like he could
22 engage in violence against you?

23 A. No, sir, not against me.

24 Q. Okay. Or were you concerned that he
25 might engage in violence against someone else?

Detective Robert Hartfield

1 A. No.

2 Q. Is -- you know, I used the word
3 "spider-sense" a minute ago as a bit of a joke, but
4 it might not actually be a joke.

5 Like, do you have gut instincts
6 about people as a law enforcement officer?

7 A. Yes, sir.

8 Q. Do you recall having a gut instinct
9 about Justin Pulliam?

10 A. No, sir.

11 Q. So -- and there was nothing remarkable
12 about Justin Pulliam that made you especially scared
13 or made you especially think he was going to be an
14 easygoing guy; you just didn't have an impression at
15 all; is that correct?

16 A. No, sir.

17 Q. And based on your personal knowledge
18 having been there, was Justin -- did the sheriff ask
19 Justin to move away from the press conference based
20 on anything Justin had said to the sheriff there?

21 A. I don't think it's anything that Justin
22 had specifically said to the sheriff. I don't think
23 that was the reasoning.

24 Q. So we mentioned earlier that Justin says
25 some inflammatory things on his social media

1 channels about law enforcement in general, about the
2 sheriff's office in particular.

3 And I can actually understand why an
4 officer would not want to be featured on that kind
5 of thing. So I get that.

6 And do you know if the sheriff
7 wanted you to relocate Justin away from the press
8 conference so that he wouldn't say something
9 insulting or inflammatory during it?

10 A. I don't know that.

11 Q. Do you know whether Justin had
12 previously participated in a press conference with
13 the sheriff and that the sheriff didn't like his
14 behavior, then, and, therefore, excluded him now?

15 A. I do not know that.

16 Q. So I think the takeaway, what I'm
17 getting is that you don't know the specific reason
18 why the sheriff said that other than the sheriff's
19 stated reason of, "He's not media"?

20 A. Correct.

21 MR. ROWES: Molly, can you run it to
22 8:20, please?

23 (Video playing.)

24 Q. (BY MR. ROWES) So, actually, Deputy
25 Garcia didn't look like he had a body cam on him.

Detective Robert Hartfield

1 I --

2 A. Yeah. Yeah, I'm looking at that. Yes.

3 Q. Okay. I just wanted to make sure there
4 wasn't, like, some video floating around out there
5 that we don't know about.

6 MR. HEDGES: I don't believe he had
7 a body cam.

8 MR. ROWES: Yeah, it doesn't -- it
9 doesn't look like he did.

10 Q. (BY MR. ROWES) And was the purpose of
11 having Deputy Garcia come with you just in case
12 there was some altercation with Justin and you
13 needed a little bit of backup?

14 A. Yes, sir.

15 Q. So you saw in the video clip we just
16 watched, up to 8 minutes and 20 seconds, you and
17 Deputy Garcia escort Justin down to in front of his
18 truck, basically.

19 And you told Justin that he'd be
20 welcome to film from there?

21 A. Correct, sir.

22 Q. How did you decide how far away you
23 should take Justin, and that would be enough?

24 A. I really didn't have any guide. I
25 just -- I just walked to his truck, and then that

Detective Robert Hartfield

1 was the spot that I chose.

2 Q. Okay. Now, when you were walking Justin
3 back, did you say to yourself, "Well, I need to get
4 him at least far enough back so that he can't shove
5 questions at the sheriff," or something like that?

6 A. No, sir.

7 Q. And did you escort him back to that
8 point so it would be difficult for him to hear what
9 the sheriff was saying?

10 A. No, sir.

11 Q. We discussed a few minutes ago in, I
12 think, your Admission No. 4 that the sheriff said
13 something to the effect of, "If he doesn't listen,
14 arrest him"; correct?

15 A. I -- we'd have to hear that again, I
16 don't know.

17 Q. Okay. So if you look at Request for
18 Admission No. 4, Sheriff Fagan instructed you that
19 "if he don't do it, arrest him 'cause he's not part
20 of the local media, so he have to go back
21 [as read]"?

22 A. Okay. Correct. Yes, sir.

23 Q. Yeah.

24 So if Justin had stood his ground
25 and said, "I'm not going anywhere. I'm a member of

Detective Robert Hartfield

1 the media, and I want to participate," would you
2 have understood your order at that point to you need
3 to arrest him?

4 A. I don't know if he would have actually
5 been arrested or not. I don't know. I couldn't --
6 couldn't say.

7 Q. How do you make that -- how would you
8 make a decision about that?

9 A. I don't know. I don't know how I would
10 do that.

11 Q. Would you ask the sheriff, say, "Do you
12 really want me to arrest this guy?"

13 A. I -- yes, sir.

14 Q. When the sheriff said words to the
15 effect of, "He's got to go back. He's not media.
16 If he doesn't listen, arrest this guy," was the
17 sheriff's tone or demeanor one of frustration?

18 A. I don't recall, sir.

19 MR. ROWES: Molly, can you go to
20 9:46, please? Wait a minute. Just keep
21 going a little bit. I'll tell you when to
22 stop.

23 MS. HANIS: Play?

24 MR. ROWES: Yeah, play, please. I'm
25 sorry.

Detective Robert Hartfield

1 Okay. We can stop. We can stop
2 there. I'm sorry.

3 Q. (BY MR. ROWES) So if you take a look,
4 maybe two-thirds of the way, Detective Hartfield, it
5 looks like you and Deputy Garcia are standing next
6 to a white SUV; correct?

7 A. Yes, sir.

8 Q. You didn't go all the way back to the
9 press conference; correct?

10 A. Yes, sir.

11 Q. And to my eyes, it looks like you're
12 standing there so that if Justin decides to disobey
13 you and starts walking back towards the press
14 conference, you would then be able to serve as a
15 barrier between Justin and the press conference.

16 Is that why you stood there?

17 A. No. Honestly, the reason I'm standing
18 there is because I don't want to be on the camera.
19 I don't like being on TV.

20 Q. And when you were standing there with
21 Deputy Garcia, were you talking about Justin at all?

22 A. No, sir. I believe that's actually
23 Deputy Hines --

24 Q. Oh, I'm sorry.

25 A. -- not Garcia.

Detective Robert Hartfield

1 Q. Oh, okay. You're right. It actually
2 does look different seeing them -- on this big TV
3 seeing it.

4 Okay. So -- and who is Deputy
5 Hines?

6 A. He's also another deputy with -- what is
7 that? -- at that point in time, I was Precinct 4.

8 Q. 3.

9 MR. HEDGES: 3.

10 THE WITNESS: 3?

11 MR. HEDGES: I think it's 3.

12 THE WITNESS: I can't keep up how
13 they change. I'm sorry.

14 Q. (BY MR. ROWES) It's okay. I doesn't
15 matter.

16 And from where you were standing,
17 could you hear Sheriff Fagan conducting the press
18 conference?

19 A. I do not recall.

20 Q. But you agree he did a press conference
21 with the media; correct?

22 A. Correct, sir.

23 Q. Okay. But you can't recall that if you
24 could personally hear him from there?

25 A. No, sir.

1 MR. ROWES: Molly, can we watch
2 to -- let's see here.

3 Can you skip ahead to 1454? Right
4 there's fine.

5 Q. (BY MR. ROWES) So the part we just
6 skipped over is Justin standing there with his
7 camera pointed down the length of the parking lot,
8 just kind of watching the press conference
9 occurring.

10 MR. ROWES: Okay. Go ahead and play
11 it, Molly.

12 (Video playing.)

13 Q. (BY MR. ROWES) So, at this point, it
14 looks like where we've stopped it at 1538 that the
15 press conference has come to a conclusion; correct?

16 A. Yes, sir.

17 Q. And you jump back in the golf cart with
18 Sheriff Fagan; is that correct?

19 A. Yes, sir.

20 Q. And where do you take him after that?

21 A. I believe I drove him to his vehicle at
22 that time.

23 Q. Okay. And then, after you dropped him
24 off at his vehicle, then what did you do?

25 A. I continued staying there at the scene

1 conducting the rest of the investigation with the
2 other staff that was there on-scene.

3 Q. Okay. Do you recall how long you
4 remained on-scene that day?

5 A. I do not recall.

6 Q. Was it, like, another hour after this
7 or, like, ten hours or...

8 A. It was probably an hour or so, possibly.

9 Q. Okay. When you got in the golf cart
10 with the sheriff, did you talk about Justin being
11 there?

12 A. No, sir.

13 Q. Did you discuss -- did the sheriff ask,
14 "Did you have any problems with Justin" or to that
15 effect?

16 A. No, sir.

17 Q. Did you personally create any kind of
18 written document about the press conference and what
19 occurred there?

20 A. No, sir.

21 Q. Any emails or incident reports or texts
22 or anything?

23 A. No, sir.

24 Q. After the fact, did you tell any other
25 sheriff's department law enforcement personnel that,

Detective Robert Hartfield

1 you know, "I had to relocate this guy, Justin
2 Pulliam, away"?

3 A. I don't remember talking to anybody of
4 that nature, no.

5 Q. Is that the kind of thing that -- I
6 mean, do -- just based on your experience there for
7 19 years, I mean, do law enforcement officers just
8 kind of talk to each other about the people they
9 encounter, the citizens, or the suspects?

10 A. Correct.

11 Q. They do talk about that?

12 A. Was he -- what do you have a -- you'll
13 have to redo that part --

14 Q. Yeah. Sorry. I don't mean to --

15 A. -- rephrase that question.

16 Q. So sorry. I don't mean to -- I -- like,
17 you know, when -- I just think about our -- our jobs
18 as attorneys, like, we might go to court, and we'll
19 be like, "Oh, that witness was nuts," or, you know,
20 "That lawyer blew it," or something like that.

21 So we just kind of talk about the
22 people we encounter in our job.

23 And I'm just wondering whether it's
24 common in law enforcement, like, someone comes to
25 you and says, "Hey, Detective Hartfield, you're not

Detective Robert Hartfield

1 going to believe this idiot I picked up the other
2 day drunk on the sidewalk."

3 Do you guys have conversations like
4 that?

5 A. Yes, sir. Sure.

6 Q. Okay. And -- but you didn't have a
7 conversation like that with anyone about Justin
8 Pulliam?

9 A. Nothing to the degree of anything
10 dealing with the press conference, no.

11 Q. Okay. And did you talk about Justin
12 with people like unrelated to the -- like talk about
13 Justin but unrelated to the press conference?

14 MR. HEDGES: Excluding me.

15 Q. (BY MR. ROWES) Right. Excluding
16 Mr. Hedges.

17 A. Yes.

18 Q. Okay. You did talk to other people?

19 A. Yes.

20 Q. And who did you talk to?

21 A. Well, mainly my children.

22 Q. You don't have to tell me what you told
23 your kids.

24 I mean, what -- did you just tell
25 them you had an encounter with someone who had to be

1 walked away?

2 A. Yes -- well, not -- it wasn't nothing to
3 do with the press conference. It was -- it was the
4 entire -- the rest of the video that's not here.

5 Q. Oh, okay. So in -- if you can take a
6 look at Exhibit No. 5 again and just answers 9 -- 8,
7 9, and 10, and 13.

8 If you can just take a look at your
9 responses. You have the same sentence at the end of
10 each one. "I deny that the reason was so that
11 Plaintiff could not participate in the news
12 conference."

13 And just let me know when you've had
14 a chance to read 8 --

15 A. Yes, sir.

16 Q. -- 9, 10, and 13.

17 So what was the purpose of escorting
18 him away from the press conference other than to
19 prevent him from participating in it?

20 A. I did it because the sheriff asked me
21 to.

22 Q. So this goes back to what we talked
23 about before.

24 It's not that there's some -- I
25 mean, the sheriff might know something, and we can

Detective Robert Hartfield

1 talk to him about that tomorrow.

2 But there's not a reason that you
3 know other than, "I was just following the sheriff's
4 order"?

5 A. Correct.

6 Q. If I were to ask you to speculate, why
7 do you think the sheriff asked him -- knowing
8 Justin's reputation around the sheriff's department,
9 why do you think the sheriff asked you to take him
10 away?

11 A. I --

12 MR. HEDGES: Objection; calls for
13 speculation.

14 A. Yeah, I have no idea.

15 Q. (BY MR. ROWES) If Justin -- after --
16 after you and Deputy Garcia relocated him, Justin
17 actually says it's ten parking spots. I don't know
18 how long that is. It's probably 80 to 100 feet.

19 When you escorted him back to in
20 front of his truck, if he had started shouting
21 questions to the sheriff from back there, would you
22 have intervened?

23 A. I can't answer that, I mean, because it
24 didn't happen, so I can't answer that.

25 Q. Okay. What do you think -- I realize it

Detective Robert Hartfield

1 didn't happen, but just transport yourself back to
2 that moment.

3 Justin starts yelling questions,
4 "Hey, Sheriff, why did you stick me back here?"
5 And -- what do you think you would have done?

6 A. Probably nothing.

7 Q. Probably nothing. Just ignored it.

8 What if the sheriff had said, "Hey,
9 go tell Justin to be quiet"?

10 A. I don't know.

11 Q. But you would have followed the
12 sheriff's orders if he had given you an order to do
13 it; is that correct?

14 A. Correct.

15 Q. Okay. Did the sheriff ask you to
16 relocate either of the traditional news crews that
17 were there?

18 A. No, sir.

19 Q. And was there anybody else that the
20 sheriff asked you to relocate away from the press
21 conference?

22 A. No, sir.

23 Q. Based on your experience -- and I
24 recognize that your experience doesn't include many
25 press conferences.

1 But based on your experience, have
2 you ever heard of someone being escorted away from a
3 press conference before?

4 A. No, sir.

5 MR. ROWES: Can we take a break for
6 a few minutes?

7 MR. HEDGES: Absolutely.

8 (Break.)

9 Q. (BY MR. ROWES) I just have a couple of
10 follow-up questions.

11 I think you mentioned earlier in the
12 deposition that under Sheriff Nehls, before Sheriff
13 Fagan came in, that Justin Pulliam was the talk of
14 the town, so to speak?

15 A. Yes, sir.

16 Q. And what did you mean that he was "the
17 talk of the town"?

18 A. I knew that he has been to the sheriff's
19 office and made several videos there with the
20 administrative staff there at the office.

21 Q. And was the -- him being the talk of the
22 town, did people have a negative attitude towards
23 Justin?

24 A. I'm not going to say it was a negative
25 attitude; it was kind of one, like, stay away.

Detective Robert Hartfield

1 Q. Like Justin should stay away, or you
2 should stay away from Justin?

3 A. We should stay away from him.

4 Q. I see. Like, avoid getting yourself
5 filmed for his "Corruption Report" or something like
6 that?

7 A. Correct.

8 Q. Got it.

9 And after -- you mentioned he was
10 the talk of the town under Sheriff Nehls, and then
11 Sheriff Fagan came in.

12 Did that attitude towards Justin
13 change, or did something change with Sheriff Fagan?

14 A. I do not know.

15 MR. ROWES: Okay. I want to thank
16 you for your candor and for your patience
17 and for your professionalism during our
18 deposition. I appreciate it.

19 THE WITNESS: Thank you, sir.

20 MR. ROWES: Mr. Hedges, do you have
21 any questions?

22 MR. HEDGES: I do. Just a couple.

23 E X A M I N A T I O N

24 BY MR. HEDGES:

25 Q. The video that we've been looking at is

1 Exhibit 4?

2 A. Correct.

3 Q. Okay.

4 MR. HEDGES: Could we tee that up to
5 about 1530?

6 Q. (BY MR. HEDGES) And I want to play it
7 for a few seconds. And then, Detective, I want you
8 to tell me if you recognize anyone's voices that you
9 hear.

10 MR. HEDGES: So if you can play,
11 please.

12 (Video playing.)

13 MR. HEDGES: Actually, it was a
14 little bit before that, so let's go back
15 to 1510 just so we get it.

16 MR. ROWES: Sure.

17 And do you want to -- Molly, do you
18 want to use the remote and really crank it
19 up too because the commissioner's meeting
20 is going on?

21 MR. HEDGES: Yeah. And I apologize
22 for that.

23 MR. ROWES: That's okay. That's not
24 on you. You can't...

25 (Video playing.)

Detective Robert Hartfield

1 MR. HEDGES: You can stop it. Thank
2 you.

3 Q. (BY MR. HEDGES) All right. Detective,
4 did you recognize any voices from that video in the
5 second that was just played?

6 A. Yes, sir.

7 Q. Whose voices did you recognize?

8 A. One voice was the sheriff.

9 Q. Sheriff Fagan?

10 A. Yes, sir.

11 Q. Did you hear any other voices?

12 A. I could hear other -- what sounded like
13 a female's voice, but I don't know who that female
14 is.

15 MR. HEDGES: And I guess the time
16 stamps have me a little buffaloed on this
17 one. Where is -- where is this video?

18 MS. HEBERT: It's just a portion of
19 the same video that is referenced in the
20 RFAs. It's just a cut so that we didn't
21 have to play the whole thing.

22 MR. HEDGES: Got it. Got it.

23 MS. HEBERT: So it's the same video,
24 just a clip.

25 MR. HEDGES: Okay. Got it. Thank

Detective Robert Hartfield

1 you.

2 Q. (BY MR. HEDGES) The only other subject
3 I want to cover briefly, Detective, is, are you
4 aware of any interactions that Justin Pulliam had
5 with any nonlaw-enforcement folks there at the park
6 on July 12, 2021?

7 A. Yes, sir.

8 Q. Tell us about that.

9 A. I caught the end of the incident, but
10 Pulliam, Justin Pulliam, was confronted by the
11 family of the deceased person, and some type of
12 physical altercation had occurred between them.

13 And when I caught the rear end of
14 that altercation, I removed the family from that
15 general area of where that altercation had occurred.

16 Q. Okay. And was that before or after the
17 video that we've been watching as Exhibit 4?

18 A. That was before.

19 Q. Okay. Can you tell me -- it looks like
20 this video is time-stamped 9:32, up in the top right
21 corner.

22 Can you -- do you know about what
23 time that physical altercation took place?

24 A. No, sir. I don't know the exact timing.

25 It was at least longer than 15

1 minutes prior to that, this -- the press conference
2 time.

3 Q. Okay.

4 MR. HEDGES: That's all I've got. I
5 pass the witness.

6 FURTHER EXAMINATION

7 BY MR. ROWES:

8 Q. May I ask just a couple of follow up
9 questions on that?

10 So when you saw Justin have a
11 physical altercation, can you explain what you mean
12 by "physical altercation," like were people throwing
13 blows at each other or...

14 A. I seen a family member of the decedent
15 yelling and screaming at -- at Justin Pulliam, and
16 Justin Pulliam's voice was raised also back at that
17 individual.

18 I then went over there and tried to
19 pull the family away --

20 Q. I see.

21 A. -- at that point in time.

22 Q. And so this was a verbal altercation; it
23 wasn't actually people engaged in battery with each
24 other?

25 A. Well, I could tell -- I just -- there

1 was a lot going on --

2 Q. Sure.

3 A. -- honestly. I don't recall if anything
4 physical occurred. I don't know if there was some
5 maybe hand-swatting going on. I don't know.

6 Because, you know, people were
7 talking with their hands, and I did see hands up.

8 If anybody was touched, I don't
9 know. But I know there was -- it was a verbal -- at
10 the bare minimum, it was a verbal altercation.

11 Q. And if you witnessed someone punch
12 someone -- physically punched them, would you arrest
13 them for battery?

14 A. Yes. If I had seen someone physically
15 assault someone, then yes, I would.

16 Q. And so, in this case, you were trying to
17 diffuse what looked like a tense situation by
18 escorting the family away; is that correct?

19 A. Correct, sir.

20 Q. And that happened prior to the press
21 conference?

22 And so -- and the -- I think you
23 testified earlier that the sheriff asked you to use
24 the golf cart to drive him up to the press
25 conference; right?

1 A. Correct.

2 Q. And did you talk to the sheriff during
3 that drive up to the press conference and say, "By
4 the way, I had to separate Justin from the family of
5 the deceased"?

6 A. I don't recall. I know he was also in
7 the general area too when that all occurred.

8 Q. So you think the sheriff potentially
9 witnessed the altercation with Justin?

10 A. I would say possibly.

11 Q. Okay. Do you -- and just to clarify.

12 I think we testified earlier that
13 you were just following the sheriff's order to
14 escort Justin away from the press conference; you
15 didn't actually know the specific reason in the
16 sheriff's head; correct?

17 A. Correct.

18 Q. Other than what he stated, which is,
19 "You're not media"?

20 A. Correct.

21 Q. And when you escorted the family away,
22 do you know where they went after that?

23 A. It was -- from that general area where
24 that occurred, I probably moved them back maybe 50
25 feet to where my truck was located on the other side

1 of my truck.

2 Q. And what -- did you give an explanation
3 to the family why you were moving them away or ask
4 them to move away?

5 A. Just to get them away from that
6 situation.

7 I knew I could probably speak to him
8 and calm him down due to the situation that was
9 occurring.

10 I figured I could calm him down and
11 get him away.

12 Q. And just to be clear, the "him" you're
13 referring to is the relative of the deceased --

14 A. Correct.

15 Q. -- not Justin? Okay.

16 And do you know if any further
17 altercations occurred between Justin and the family
18 after that?

19 A. With the family, no, sir.

20 Q. And did you see -- so you recognized the
21 family members; correct?

22 A. Correct.

23 Q. And so when you went to the press
24 conference, you didn't see anyone there who looked
25 like they were from the family?

Detective Robert Hartfield

1 A. From where I was at, no, sir.

2 Q. Okay. In the clip of the video we
3 watched with Mr. Hedges from a few moments ago when
4 he asked you to -- if you could recognize the
5 voices, like Sheriff Fagan, and there was an
6 unidentified woman speaking, do you remember that?

7 A. Yes, sir.

8 Q. Were you able to actually tell what
9 people were saying, or you just sort of recognize it
10 as the sheriff's voice?

11 A. I recognize it as the sheriff's voice.

12 Q. And you couldn't -- you couldn't hear
13 from the video clearly what they were saying because
14 it was far away from the camera; correct?

15 A. Not necessarily.

16 Q. Okay. Now, when you were escorting the
17 family away -- we're just going -- sort of going
18 back to that verbal altercation you mentioned a
19 minute ago.

20 When you were escorting the family
21 away, did any of them ask you to arrest Justin or do
22 something to Justin?

23 A. They didn't want him there.

24 Q. And did you go and talk to Justin
25 himself after that?

1 A. No, sir.

2 Q. And why didn't you go talk to Justin and
3 say, "Don't be such a jerk" or something like that?

4 A. I didn't feel like there was no need to
5 do that.

6 Q. And why did you choose to move the
7 family away as opposed to going up to Justin and
8 saying, "Listen, I'd like you to step back. This
9 is -- feels like it's getting out of hand"?

10 A. Yeah, I believe the rest of the media
11 personnel was in the same general area, so I thought
12 it was just a better idea of removing the family
13 away from the rest of the media so they -- whatever
14 was occurring, nobody else could film.

15 Q. Do you feel like it -- just thinking
16 back -- and it -- and it's fine if you don't know or
17 just sort of, you know, you didn't think about it
18 this deeply -- did you choose to talk to the family
19 rather than Justin because you thought the family
20 would be reasonable and that Justin might not be
21 reasonable?

22 A. No. I -- I talked to the family because
23 I've had interactions with them throughout that
24 weekend, so I thought they felt comfortable with me.
25 If I would tell them to do something, they would

Detective Robert Hartfield

1 say, "Okay," and they would just follow my lead and
2 come with me.

3 Q. Okay. And, in fact, the family did
4 follow your lead on that day; correct?

5 A. Correct.

6 MR. ROWES: Okay. Those are all the
7 questions I have.

8 MR. HEDGES: I think we're done.

9 (Deposition concluded at 2:35 p.m.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER CERTIFICATION

THE STATE OF TEXAS :

COUNTY OF HARRIS :

I, DENYCE SANDERS, a Certified Shorthand Reporter and Notary Public in and for the State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true; that the above and foregoing answers of the witness, DETECTIVE ROBERT HARTFIELD, to the interrogatories as indicated were made before me by the said witness after being first duly sworn to testify the truth, and same were reduced to typewriting under my direction; that the above and foregoing deposition as set forth in typewriting is a full, true, and correct transcript of the proceedings had at the time of taking of said deposition.

That the original deposition was delivered to Mr. Jeffery Rowes;

That a copy of this certificate was served on all parties and/or the witness shown herein on _____.

I further certify that pursuant to FRCP No. 30(f)(i) that the signature of the deponent was requested by the deponent or a party before the completion of the deposition and that the signature

Detective Robert Hartfield

1 is to be returned within 30 days from date of
2 receipt of the transcript. If returned, the
3 attached Changes and Signature Page contains any
4 changes and the reasons therefor.

5 I further certify that I am not, in any
6 capacity, a regular employee of the party in whose
7 behalf this deposition is taken, nor in the regular
8 employ of this attorney; and I certify that I am not
9 interested in the cause, nor of kin or counsel to
10 either of the parties.

11

12 That the amount of time used by each party at
13 the deposition is as follows:

14 MR. ROWES - 01:16:44

MR. HEDGES - 00:03:33

15

16 GIVEN UNDER MY HAND AND SEAL OF
OFFICE, on this, the 14th day of August, 2023.

17

18

19



20

DENYCE SANDERS, CSR, RDR, CRR, TCRR

Notary Public in and for

21

Harris County, T E X A S

22

My Commission Expires: 4-14-25

Certification No.: 4038

23

Expiration Date: 4-30-24

Golkow Litigation Services

24

One Liberty Place, Suite 5150

Philadelphia, PA 19103

25

877.370.3377